

APPENDIX C
BONNEVILLE PESTICIDE APPLICATOR
CERTIFICATION PLAN

Pesticide Applicator Certification Plan
Bonneville Power Administration

BONNEVILLE POWER ADMINISTRATION PESTICIDE APPLICATOR CERTIFICATION PLAN

INTRODUCTION

The Bonneville Power Administration (BPA), Department of Energy (DOE), operates and maintains a regional electrical system covering five States (Oregon, Washington, Idaho, Montana, and Wyoming) in the Pacific Northwest. As routine maintenance activities, BPA provides for inspection and treatment of in-service wood structures, and manages vegetation on rights-of-way and at electrical substations to protect the reliability of the electrical system, provide safe and efficient work areas, and protect and enhance the environment. These activities are not limited to, but may include, the application of wood preservatives to retard agents of wood decay, and application of herbicides to manage undesirable plant species. When pesticides are used, applicators will be certified in the right-of-way certification category and/or the wood treatment category.

Section 3 of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (FIFRA) (PL 92-516) (7 U.S.C. 136B) directs the Administrator of the United States Environmental Protection Agency, (EPA) to classify the various uses of pesticides as either "General Use" or "Restricted Use." "Restricted Use" pesticides may only be applied by "certified" applicators, or those working under the direct supervision of a certified applicator. Accordingly, the Administrator of EPA is directed to establish standards for the certification of applicators of Restricted Use pesticides and is authorized to approve State and/or Federal Certification Plans, (FIFRA, Section 4), (Federal Agency Certification of Federal Employees to Apply Restricted Use Pesticides, FR 42(161):41907-41908, August 19, 1977).

Only applicators of Restricted Use pesticides are required to be certified under FIFRA. However, three of the five States in the BPA service area require certification of applicators applying General Use pesticides with motorized equipment. BPA has adopted this requirement in its plan in accord with the EPA requirement that Federal agencies adhere to State substantive standards affecting pesticide use as a condition of approval for Federal Agency Certification Plans, (FR 42(161):4108; August 19, 1977).

Therefore, this document has been prepared in support of application to the EPA by BPA for approval of a Federal Certification Plan for Federal Employees, to certify those employees of BPA who use or supervise the use of both Restricted Use and General Use pesticides, with the exception of General Use pesticides applied by non-motorized equipment. BPA certification will only be granted to BPA employees, and will only be valid in performance of their official duties.

I. RESPONSIBILITY AND AUTHORITIES FOR ADMINISTRATION OF THE PLAN

A. Departmental (DOE) Responsibility and Authority

Overall responsibility for the development, implementation, and surveillance of this Plan rests with the BPA under the guidance of the DOE. Responsibilities will be consistent with existing DOE policies as discussed below.

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The DOE environmental policy provides for conduct of all operations in an environmentally safe and sound manner with paramount concern for protection of the environment and the public, and for coordination of DOE's compliance activities at the Headquarters Level. Mandatory Standards specifically include compliance with FIFRA and all relevant implementing regulations (U.S. DOE Orders No. 5480.4 (5/14/84)) for all DOE and DOE contractor operations. This Order also provides authority for independent overview to assess compliance, and corrective action and follow-up when non-compliance is noted. Heads of Field Organizations (e.g., BPA Power Administrator) are directed to assure compliance.

Environmental Protection, Safety, and Health Protection Information Reporting Requirements are specified in DOE Order 5484.1 (2/24/81). This Order provides that "... notification of occurrences involving DOE and DOE contractor operations be made to the responsible authority; that all occurrences be investigated; that reports be submitted to responsible DOE officials; that management take responsible action and that there be consistency in the treatment of such occurrences" This order would support the record keeping and reporting for pesticide use activities as detailed later in this proposed plan.

Enforcement of the provisions of this proposed plan is supported by DOE Order 5482.1A (8/13/81). The order describes procedures for implementing an Environmental Protection, Safety, and Health Protection Appraisal Program, and details factors to be used in performing an appraisal. Requirements of this Order have been incorporated into the BPA Environmental Appraisal Program (see below).

Compliance with the DOE policies and procedures outlined above constitutes the agency regulatory framework which both allows for and supports implementation of the provisions of this proposed plan by the BPA.

B. BPA's Responsibility and Authority

In compliance with the DOE policies outlined above, BPA will be responsible for the administration of this proposed plan. Administration will consist of development, implementation, and surveillance and funding of pesticide use training, certification, and record keeping and reporting as provided below. These procedures will be implemented upon approval of this plan, and are consistent with BPA policies and responsibilities listed below.

The BPA Environmental Manual, Chapter 955, Pesticides, states that BPA employees applying pesticides will comply with FIFRA and applicable State standards. The Chapter further designates responsibilities within the organization for various aspects of pesticide use and management. Specific responsibilities for various aspects of pesticide use and management are reiterated and emphasized again in the BPA Right-of Way Management Standards and in BPA Environmental Standard and Procedures.

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Specific procedures and instructions involving application, safety, transportation, storage, and disposal of pesticides, spill clean up, residue monitoring, and other aspects of pesticide use are contained in the Transmission Line Maintenance Standards, Procedures, Instructions, and Informations (SPIF's). Responsibilities designated in these documents would not change upon approval of the plan, with the exception that BPA pesticide applicators would obtain Federal certification in lieu of State certification, and procedures for becoming certified would change in conformance with this plan.

C. BPA/State Regulator Interaction

1. Cooperation in Abating Environmental Pollution

BPA will cooperate with the Administrator, EPA, and State, interstate, and local agencies in the prevention, control, and abatement of environmental pollution caused by pesticide use. Report of instances of misuse or falsification of records by non-BPA personnel (i.e., contractor applicators) will be sent to the appropriate State or EPA regional official for enforcement. BPA will cooperate with the State(s) or EPA in any subsequent enforcement action undertaken.

2. Compliance with Standards and Regulations

In accordance with guidelines as may be issued by the EPA Administrator, BPA shall comply with more stringent State substantive standards and limitations and with Federal regulations and guidelines which affect pesticide use.

3. Environmental Assessments and/or Impact Statements

Environmental Assessments (EA) and/or Environmental Impact Statements (EIS) may support some right-of-way vegetation management programs that involve the use of pesticides. EIS's and EA's are available to States.

4. Adherence to State Standards

BPA will cooperate with individual States by adhering to substantive standards which exceed or are additional to those established in this plan in compliance with Executive Order 12088. BPA is responsible for all in-service wood structure maintenance and vegetation management program activities within its service area, and for establishment of policy, planning, and funding of policy, planning, and funding of right-of-way maintenance and vegetation management programs.

5. Resolution of BPA/State Discrepancy

If a state should decide that a given substantive standard is more stringent than, or is additional to, standards established in this plan, it should notify BPA and request compliance.

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BPA will forward all such notifications to the EPA Administrator immediately and, as soon as possible thereafter, forward its opinion as to whether the standard is substantive or administrative in nature. BPA agrees that the EPA administrator will undertake liaison between the affected parties and mediate such conflicts in cases of disagreement between BPA and a State.

6. Use of State Pesticide Applicator Certification Plan

BPA personnel with pesticide application responsibilities which are not adequately addressed by this plan, or where economic or other criteria make it inefficient to use the proposed BPA Pesticide Applicator Certification Plan, shall comply instead with an EPA Approved State Pesticide Applicator Certification Plan. A State certification will be valid only for that State in which certification is granted.

II. PROVISIONS OF THE PLAN

Provisions of this plan include: (a) training and certification of pesticide applicators; (b) enforcement of pesticide misuses and/or falsification of records; (c) right-of-entry for review of records; and (d) pesticide use record keeping. The Vice President for Transmission Field Services, will be responsible for implementing and monitoring all provisions of the plan.

A. Training and Certification

BPA will certify applicators, of both General and Restricted Use pesticides, except those BPA applicators who are applying general use pesticides by non-motorized equipment.¹* Certification will be in accordance with the EPA Standards of Competency detailed in 40CFR 171.4, with competency to be determined by a written examination. If BPA employees require training prior to the examination, educational materials and/or training courses will be provided. Specific procedures are discussed in Section IV, Standards for Certification.

B. Enforcement of Pesticide Misuse and/or Falsification of Records

Misuse of a pesticide for the intent and purpose of this Plan shall consist of any of the following:

1. Use of a pesticide not in accordance with labeling, except as allowed by Section 2 (ee) of FIFRA.
2. Use of any pesticide which is under an experimental use permit contrary to the provisions of such permit.

¹ This exemption is consistent with Oregon State Standard (ORS 634.116 (15)(b) and Washington State Standard (RCW 17.21.220).

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3. Use of a pesticide not in accordance with substantive State standards.
4. Use of a pesticide not in accordance with all BPA Standards, Procedures, Instructions, or Informations (SPIF's) and with Environmental Standard and Procedures (ESP's).

Falsification of records for the intent and purpose of this plan shall consist of failure to maintain or falsification of any part of those records required by Section II.D. of this plan.

Either misuse of a pesticide or falsification of records will result in both: (1) denial, suspension, or revocation of certification as appropriate; and (2) additional administrative disciplinary actions. disciplinary actions shall be in accordance with the provisions of the Federal Insecticide, Fungicide, and Rodenticide Act. (FIFRA 171.7.b.1.ii.B), DOE regulations regarding Conduct of Employees (FR 44(82)"24696-24709, April 26, 1979) and Bonneville Manual Section 400/751A, Personnel-Disciplinary Action. Disciplinary action will be the responsibility of the employee's supervisor, who will in turn request that the Vice President for Transmission Field Services deny, suspend, or revoke certification.

Instances of misuse of a pesticide or falsification of records by BPA employees who are State or EPA certified will be reviewed under the same provisions as those for BPA certified applicators. As appropriate, BPA will administratively deny, suspend, or revoke these BPA employees' privileges to apply pesticides on BPA facilities. Since BPA cannot deny, suspend, or revoke a State or EPA issued certificate, except for use on BPA facilities, BPA will report the incident accompanied with a report of its internal actions and findings to the appropriate certifying authority. BPA will cooperate with the State or EPA any subsequent actions undertaken.

Instances of misuse or falsification of records by non-BPA employees (i.e., contractor applicators) will be forwarded to the appropriate State and/or EPA Regional Office. BPA will cooperate with the State(s) or EPA in any subsequent enforcement action undertaken.

C. Provisions for Right-of-Entry Consent

BPA will provide for entry for appropriate Federal and State pesticide enforcement and certification authorities to BPA offices, facilities, all lands owned or leased, or rights-of-way controlled or under the jurisdiction of BPA during normal working hours, or at other times, if given advance notification for the purposes of reviewing BPA certified pesticide applicator's vegetation management methods and activities, and to observe the use and application of pesticides, to inspect and/or sample any pesticide, record, device, container, product, apparatus, or equipment used in pesticide use management programs, and to inspect and/or sample any pesticide treated areas, rights-of-way, or lands where pesticides have been used, applied, or disposed.

D. Pesticide Use Record Keeping

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BPA will require all BPA certified applicators to keep routine operational records of pesticide use including kinds, amounts, uses, dates, and places of application for both general and restricted use pesticides and to retain such records for at least 2 years. Records for herbicide application will be kept on BPA Form 1416 (Appendix A), and records for wood treatment will be kept on BPA Form 1007 (Appendix B). Records will be retained in the appropriate BPA Regional Office. Such records will be available to appropriate EPA or State officials for review upon request, (see also Section II. C., Provisions for Right-of-Entry Consent).

III. REPORTING

- A. BPA will submit annual reports on the certification of applicators and activities related to restricted use pesticides to the administrator of EPA as specific in 40 CFR, Section 171.7(d). Annual reports will be submitted by March 1 of each year for the fiscal year preceding. A copy of the 1996 Annual Report is attached (Appendix C).
- B. Other reports may be requested and shall be made available to meet specific needs on a case-by-case basis.

IV. STANDARDS FOR CERTIFICATION

A. Who Will Be Certified

BPA employees who use or supervise the use of any pesticide either General or Restricted Use within the conduct of their official duties to BPA rights-of-way, substations, or other facilities except those applying general use pesticides by non-motorized equipment will be identified by the Regional Field Services Manager, Regional Field Services Specialist, Linemen Foreman III or Substation Chief Operator to the Vice President for Transmission Field Resources, as requiring certification. For the intent and purposes of this Plan, the term "supervise" shall mean direct supervision as defined in CFR 171.6. BPA will further require the physical presence of the supervisor or a licensed applicator within line of sight or hearing distance of the employee.

BPA personnel for whom BPA certification is not efficient or responsive to the needs of the Administration may alternatively be certified by an EPA Approves State Pesticide Applicator Certification Plan. However, State certification will be valid only in the State granting certification. (See also Section I.C.6.).

All contractors or non-BPA employees will be required to comply with applicable State certification programs.

B. Categories for Certification

BPA will certify its employees only as commercial applicators in two categories:

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Right-of-Way
Wood Treatment

The BPA plan adopts the EPA Right-of-Way category as defined at 40 CFR 171.3 (b) (6) and accompanying standards of competency at 40 CFR 171.4 (c) (6).

EPA has not established a specific wood treatment category. Therefore, the BPA plan has developed a wood treatment category and accompanying standards of competency. These are contained at "C. Definition of Wood Treatment category", below).

There are presently 150 applicators certified in the right-of-way category. There are anticipated to be 100 applicators certified in the wood treatment category.

Any future requests for approval of additional categories or subcategories will be made in writing to the Administrator of EPA in conformance with 40 CFR 171.7(d)(1)(ii).

C. Definition of Wood Treatment category

Wood treatment. This category includes commercial applicators using or supervising the use of Restricted Use pesticides to treat and preserve wood products.

Wood treatment standards of competency.

Applicators shall demonstrate practical knowledge of the following:

1. Wood Properties
 - a. Durability
 - b. Shrinkage, checking and other defects (i.e., splits, knots, crookedness)
 - c. Treatability (permeability)
2. Biological Agents of Decay
 - a. Fungi
 - b. Insects
 - c. Woodpeckers
3. Types of Preservatives
 - a. Oil-borne preservatives (creosote)
 - b. Waterborne preservatives (arsenicals)
 - c. Fumigants
 - d. Pentachlorophenol
 - e. Copper or zinc naphenate
4. Preservative Treatment processes

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- d. Pentachlorophenol
- e. Copper or zinc naphthenate
- 4. Preservative Treatment processes
 - a. Pressure (American Wood Preservation Association standards)
 - b. Non-pressure
- 5. Handling and Installation of Treated Wood Products
 - a. Storage, handling, installation of fixtures
 - b. Remedial Preservative treatment
- 6. In-Service Pole Inspection
 - a. Inspection methods
 - b. Inspection tools and devices
- 7. In-Service Pole Treatment
 - a. Groundline decay control
 - b. Above groundline internal void treatment
 - c. Fumigation (above and below ground)
- 8. Safety and Environment
 - a. Adverse environmental effects of preservatives and treated wood structures
 - b. Proper handling of treated wood
 - c. Proper handling of remedial treatments (i.e. following labels)
 - d. Disposal of preservatives and treated wood products.
 - e. Preservative-health related issues and environment issues
 - f. Consumer Information Sheets

D. BPA Annual Certification Process

The Vice President for Transmission Field Services, will be responsible for the annual certification of BPA applicators. Applicators will be certified each year by passing an examination. Certification will be valid for one year. Those BPA employees eligible for certification will receive written notification of their scores and a pocket-sized, plasticized "license" or certificate, signed by the Manager, Pollution Prevention & Abatement, as delegated by the Vice President for Transmission Field Services. The certificate will contain an identifying number, the name of the applicator, category or categories of certification, date issued, and expiration date (Appendix D attached). BPA certification will be valid on facilities and rights-of-way maintained by BPA throughout all States in the BPA service area.

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The annual examination for certification will cover all topics identified in 40 CFR 171.1, including general standards of competency and specific standards of competency for the two categories covered by this plan. Annual examinations will be written and consist of three parts: Part I will cover Laws and Regulations (25 questions), Part II will cover Substation and Right-of-Way Vegetation Management (25 questions), and Part III will cover Wood Treatment and Right-of-Way Vegetation Management (25 questions). A score of 70 percent must be obtained on each test to pass the examination. At least two separate examinations will be maintained and will be administered randomly. Examinations will be reviewed and updated each year and will be maintained, administered, and evaluated with all reasonable security precautions. No provisions will be made for those who cannot read, since all BPA employees must demonstrate reading proficiency as a condition of employment or in the performance of official duties.

BPA employees may apply for annual certification only by passing the BPA examinations, and attending BPA or State certified pesticide use training within the one year certification period. Certification training and examinations will emphasize knowledge of the most current vegetation management and wood treatment issues, techniques, alternatives, and regulatory requirements. Examination questions will be updated each year to emphasize changes in technology and use requirements. A copy of the current examination is attached (Appendix E).

To facilitate continuing education in responsible pesticide use for BPA employees, the Manager, Pollution Prevention & Abatement will continue to make available publications, training films or aids, or training courses as appropriate. Training materials will be made available which will address the certification categories. A list of current training materials and recent training course agendas is attached (Appendix F). Employees or their supervisors may request training or training materials as necessary.

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ACTION: Notice of Approval of Certification Plan.

SUMMARY: On June 23, 1997, EPA announced its intention to approve a revised Department of Energy (DOE) plan for the certification of pesticide applicators. The revised DOE plan was similar to the original plan in only covering applicators in the Bonneville Power Administration. The revised plan retained the original certification category of right-of-way pest control and added a new category of wood treatment. The revised plan replaced the original 3-year recertification interval with a 1 year recertification interval. No comments were received on EPA's proposal to approve the revised DOE certification plan. Notice is hereby given of EPA's granting final approval of the revised DOE plan.

ADDRESSES: Copies of the DOE revised plan are available for viewing at the following locations during normal business hours:

1. U.S. Environmental Protection Agency, Office of Pesticide Programs, Crystal Mall #2, 1921 Jefferson Davis Highway, Rm. 1121, Arlington, VA 22202. Contact: John R. MacDonald, (703) 305-7370.
2. U.S. Department of Energy, Bonneville Power Administration, 905 Northeast Eleventh, Stop EP-5, Fifth Floor, Portland, OR 97232. Contact: James Meyer, (503) 230-5038.
3. Select U.S. Department of Energy installations. Contact: James Meyer at aforementioned location for list of locations.

FOR FURTHER INFORMATION CONTACT: By mail: John R. MacDonald (7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Crystal Mall #2, 1921 Jefferson Davis Highway, Rm. 1121, Arlington, VA. Telephone: (703) 305-7370.

SUPPLEMENTARY INFORMATION: In the Federal Register of October 7, 1988, notice was published announcing the final approval of a DOE pesticide applicator certification plan. On June 23, 1997 (62 FR 33862) (FRL-5717-3), EPA announced its intention to approve a revised DOE certification plan. The revised DOE certification plan added a new wood treatment category and retained the existing right-of-way category. The revised certification plan also established an annual recertification period to replace the current 3-year period. The revised certification plan will continue to base certification and recertification on the taking and passing of a written

**ENVIRONMENTAL PROTECTION
AGENCY**

[OPP-42064C; FRL-5741-9]

**Department of Energy Plan for
Certification of Pesticide Applicators**

AGENCY: Environmental Protection
Agency (EPA).

examination. The revised DOE certification plan will continue to cover only employees of the Bonneville Power Administration. The DOE estimates that there will be 100 applicators certified in the new wood treatment category. There are presently approximately 150 applicators certified in the right-of-way category, whose certification will be unaffected by this action.

No comments were received on EPA's notice of intention to approve the revised DOE certification plan. Therefore, EPA approves the revised DOE certification plan.

List of Subjects

Environmental protection.

Dated: September 9, 1997.

Lynn R. Goldman,

*Assistant Administrator for Prevention,
Pesticides and Toxic Substances.*

(FR Doc. 97-25337 Filed 9-23-97; 8:45 am)

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